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Counsel for Plaintiffs and the Putative Classes

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JEFFREY MOLNAR, WESLEY
THORNTON, AILEEN MARTINEZ,
CHIQUITA BELL, TEYIA BOLDEN, and
ANTOINETTE STANSBERRY
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

NCO FINANCIAL SYSTEMS, INC., a
Pennsylvania Corporation,

Defendant.

Case No. 3:13-cv-00131-BAS-JLB

**STIPULATION TO DISMISS
WITHOUT PREJUDICE
PURSUANT TO FED. R. CIV. P.
41(a)(1)(A)(ii)**

Judge: Hon. Cynthia A. Bashant
Magistrate: Hon. Jill L. Burkhardt

1 Plaintiffs Wesley Thornton, Aileen Martinez, Chiquita Bell, Teyia Bolden, and
 2 Antoinette Stansberry (collectively "Plaintiffs"), jointly with Defendant NCO Financial
 3 Systems, Inc. ("Defendant") (collectively "the Parties"), by and through their
 4 undersigned counsel, hereby stipulate and agree that Plaintiffs' claims and those of the
 5 putative classes they seek to represent shall be dismissed *without prejudice*, pursuant to
 6 Fed. R. Civ. P. 41(a)(1)(A)(ii).

7 While the Parties have now executed a binding Term Sheet regarding the class-
 8 wide resolution of the claims in this matter, Defendant is concerned that the decision of
 9 the United States Supreme Court in *Spokeo, Inc. v. Thomas Robins*, No. 13-1339, may
 10 divest this Court of subject matter jurisdiction over the instant action before the pending
 11 settlement is effectuated. Should that occur, to effectuate their settlement the Parties
 12 would be required to start the approval process anew in state court after significant
 13 notice, administration, and other costs and expenses have already been incurred.
 14 Accordingly and to avoid such a result, by its terms, the settlement will be effectuated
 15 through the Circuit Court of Cook County, Illinois.

16 WHEREFORE, based on the foregoing, IT IS HEREBY STIPULATED AND
 17 AGREED that Plaintiffs' claims and those of the putative classes shall be dismissed
 18 *without prejudice*, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

19 IT IS SO STIPULATED.

20
 21 **JEFFREY MOLNAR, WESLEY**
THORNTON, AILEEN MARTINEZ,
CHIQUITA BELL, TEYIA BOLDEN, and
ANTOINETTE STANSBERRY,

22
 23 Dated: February 26, 2016

24 By: s/ Benjamin H. Richman
 25 One of Plaintiffs' Attorneys
 26
 27
 28

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NCO FINANCIAL SYSTEMS, INC.,

Dated: February 26, 2016

By: s/ James K. Schultz

One of Defendant's Attorneys

James K. Schultz (Admitted *pro hac vice*)

SESSIONS FISHMAN, NATHAN & ISRAEL, L.L.C.

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to James Schultz, counsel for Defendant, and that I have obtained his approval for his electronic signature to this document.

Dated: February 26, 2016

By: s/ Benjamin H. Richman